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Attorneys for Nancy L. James, Chapter 7
5 Trustee

The Honorable Marc L. Barreca
Chapter 7
Hearing Date: November 27, 2017
Time: 1:30 PM

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8
9 UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 IN RE:

NO. 13-16150 MLB

12 BREAST CANCER PREVENTION FUND

13 Debtor.

14 DECLARATION OF MANISH BORDE IN
15 SUPPORT OF TRUSTEE'S MOTION TO
16 APPROVE COMPROMISE WITH THE
17 PATON DEFENDANTS, CLARK NUBER,
P.S., AND THE WASHINGTON STATE
OFFICE OF THE ATTORNEY
GENERAL, AND FOR ORDER
REGARDING DISBURSEMENT OF
SETTLEMENT PROCEEDS TO PAY
CONTINGENCY FEE TO WILLIAMS
KASTNER

18 I, Manish Borde, say:

19 1. I am an equity Member of Williams Kastner. I am one of the attorneys for
20 Nancy L. James, the Chapter 7 Trustee ("Trustee") for the Estate of Breast Cancer Prevention
21 Fund. I have personal knowledge of the facts set forth herein and make this declaration in
22 support of the Trustee's Motion to Approve Compromise with the Paton Defendants, Clark
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25 DECLARATION OF MANISH BORDE IN SUPPORT OF
TRUSTEE'S MOTION TO APPROVE COMPROMISE WITH THE
PATON DEFENDANTS, CLARK NUBER, P.S., AND THE
WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL,
AND FOR ORDER REGARDING DISBURSEMENT OF
SETTLEMENT PROCEEDS TO PAY CONTI - 1

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1 Nuber, P.S., and the Washington State Office of the Attorney General, and for Order
2 Regarding Disbursement of Settlement Proceeds to Pay Contingency Fee to Williams Kastner.

3 2. Attached hereto as **Exhibit A** is a true and correct copy of the Trustee's
4 settlement agreement with James C. Paton, Jeanne Paton, the Patons' marital community,
5 Legacy Telemarketing Corporation, the Shirehaven Trust, Paton Properties LLC, and
6 Shirehaven 42 LLC, a Delaware limited liability company.

7 3. Attached hereto as **Exhibit B** is a true and correct copy of the Trustee's
8 settlement agreement with Clark Nuber, P.S.

9 4. Attached hereto as **Exhibit C** is a true and correct copy of the Trustee's
10 settlement agreement with the Washington State Office of the Attorney General.

11 5. Williams Kastner expended no less than \$1,516,446 in time valued at the firm's
12 standard hourly rates on this case. This amount of time does not reflect the many hours of
13 prior investigation that took place before Williams Kastner agreed to handle this matter on a
14 contingent basis and began to record time to the file. Williams Kastner took on considerable
15 risk to handle this matter and took on the addition risk to advance substantial credit to the
16 BCPF bankruptcy estate to cover hard litigation costs and expenses. While the firm was
17 periodically reimbursed for costs and expenses, such reimbursement was subject to the risk of
18 disgorgement should the case have been lost and had the estate proven to be administratively
19 insolvent.

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DECLARATION OF MANISH BORDE IN SUPPORT OF
TRUSTEE'S MOTION TO APPROVE COMPROMISE WITH THE
PATON DEFENDANTS, CLARK NUBER, P.S., AND THE
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2 I declare under penalty of perjury under the laws of the United States of America that
3 the foregoing is true and correct.

4 DATED this 3rd day of November, 2017.

5
6 /s/ Manish Borde
7 Manish Borde, WSBA #39503
8 Attorneys for Nancy L. James, Chapter 7
9 Trustee
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1 PROOF OF FILING

2 The undersigned hereby certifies that on November 3, 2017, I electronically filed the
3 foregoing with the Clerk of the Court using the CM/ECF system, which will send notification
4 of such filing to the CM/ECF participants.

5 DATED this 3rd day of November, 2017.
6

7 /s/ Scott B. Henrie
8 Scott B. Henrie, WSBA #12673
9 Manish Borde, WSBA #39503
10 Attorneys for Nancy L. James, Chapter 7
11 Trustee
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